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Traveling Without a Passport: ‘Original’ Streaming Content in the Transatlantic Distribution Ecosystem

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Abstract:

The speed and breadth with which global television is crossing borders has been accelerated by legal web-delivered platforms, particularly services like Netflix and Amazon Video internationally and Hulu in the US. These sites are developing impressive reputations as prolific producers of “Original” content, but this designation as “Original” obscures the national origins of imported programming to claim all creative credit for the SVOD distributor. We identify a distinctive shift from long-standing practices surrounding imports on both sides of the Atlantic through the paratextual framing practices of particular SVODs. To identify these programs as ‘Original’ content communicates exclusivity and freshness, but when this identification is used falsely it erases the production and exhibition histories of the shows in their originating countries and threatens the global diversity of content, the viability of independent producers, and the localism that has been central to broadcasting from its origins.

Keywords: transnational distribution, streaming (SVOD), Netflix, Amazon, Hulu, paratext, global media, imported television, branding, localism

Introduction: Transatlantic distribution built upon the “false Original”

‘Original’ content is hawked by streaming video on demand services (SVOD) like Netflix, Amazon, and Hulu as distinctive and special, but application of the term ‘Original’ to specific

programs is complex, often inconsistent, and sometimes even objectionable.¹ Some programs are funded or commissioned by the SVOD itself, including, for example, *Transparent* (Amazon, 2014-) and *House of Cards* (Netflix, 2013-). Labeling these programs ‘Originals’ is consistent with traditional uses of the term, which suggest a financial investment by the distribution network (cum SVOD) or, importantly, a distinctive national origin and identity. However, these are not the only programs deemed ‘Original’ by Netflix and Amazon, two SVODs eager to develop and refine their brand identities. For instance, a British viewer will find programming originating on the US cable channel AMC under the label of ‘Netflix Original’, while a similar viewer in the U.S. will find programming produced for British public service broadcasters the BBC and Channel 4 also under the label of ‘Netflix Original’. These programs—produced to air in one country and distributed abroad as well—have traditionally been understood as imports. Yet here we see them marked distinctively as ‘Originals’ while other US, UK, European and Korean content also acquired by Netflix does not bear this marker. To identify these programs as ‘Netflix Original’ content communicates exclusivity and freshness, but when this identification is used falsely it erases the production and exhibition histories of the shows in their originating countries. Netflix did not produce AMC’s *Breaking Bad* (2008-13), NBC’s *The Good Place* (2016-), BBC1’s *Happy Valley* (BBC1, 2014-) or E4’s *Chewing Gum* (2015-2017), yet the ‘Original’ framing suggests it did. Such practices dislocate the term ‘original’ from its former association with national specificity, a key component of the regulatory apparatus of television in many countries, and rearticulate it to signal commercial licensing interests.² We argue that Netflix claiming an import as an ‘original’ series rather than an ‘exclusive’ import is one facet of a broader assimilation and contextualizing at play in the transnational streaming media

distribution ecosystem. This signals the early to mid-2010s as a transitional televisual moment as SVODs entered and negotiated their place in the international television ecosystem.

A number of scholars have called for more work about global distribution patterns and the reception of international content within the U.S. and abroad. For example, Jeanette Steemers has noted that while film scholars have conducted extensive research into the distribution patterns of cinema, less work of this kind has been applied to the television market.³ Steemers' own work has sought to close this gap through industrial ethnography, and has recently begun to sketch the influence of SVODs on the international market for television rights, whilst Michael L Wayne has considered SVODs acquisition of US network and cable programming.⁴ Michele Hilmes has also urged scholars to consider how the increase in international television content circulation in the U.S. may be shaping audience reception and industry practices, including co-production deals.⁵ Both scholars describe a need to reconsider content flows and consumption patterns, to explore distribution, what Alisa Perren describes as the "space in between" production and consumption.⁶ In their own discussion of global media distribution flows, Jinna Tay and Graeme Turner urge caution to avoid an oversimplification of power in content flows, noting how the U.S. model tends to be normalized when in fact global practices may be quite distinct in different regions.⁷ Our study, therefore, concentrates its focus on a comparative study of international SVOD services' practices within the United States and the United Kingdom. Through this approach, we have identified a distinct, and likely transitional, historical moment in the continued maturation of streaming media platforms. This moment spotlights the presentation of imported program streaming in both countries on SVOD services, focusing on the international brands of Netflix and Amazon, and US SVOD Hulu.

The disjuncture between traditional and emerging designations of ‘original’ content lies at the heart of a confusing and evolving set of distribution practices regarding circulation of transnational content by multinational SVOD services. In the 2010s these SVOD services inserted themselves definitively into the television distribution landscape and the trade in programming rights. Labels such as ‘Original’ and ‘exclusive,’ which serve as markers and categorizations akin to genre on these platforms, also reinforce branding and as such indicate the importance of imports and exclusivity to the growth of these services. At present, Amazon correctly terms its licensed content—either imports that were produced elsewhere for which it holds regional first-run rights, or second-window streaming rights for local content—as ‘Exclusive’ and reserves the term ‘Original’ for self-produced content. However, Netflix is less transparent, labelling both self-produced programs and certain imports to which it holds exclusive local rights as ‘Netflix Original’. This causes some definitional trickiness in analysis, so we distinguish between what we call the ‘false Original’ and the ‘self-produced Original’. The former refers to mis-labeled licensed content in fact produced by another network or channel, and the latter refers to content commissioned and funded in part or whole by an SVOD. The ‘self-produced Original’, therefore, is the only *true* Original content. All this wordplay is meaningful beyond semantic debates, as it signals a distinctive shift from long-standing practices surrounding imports on both sides of the Atlantic, an instability produced by the paratextual framing practices of particular SVODs.

There are many examples of this intentional discursive confusion, on both sides of the Atlantic. Netflix made a splash in 2016 with the debut of its first drama commissioned from a British independent production company: *The Crown*, made by Left Bank Pictures (partly owned by Sony), with a much publicized £100 million budget for its first two series.⁸ *The Crown* is a

self-produced Original, distributed across all Netflix's global territories. It is distinct from *The Fall*, which Netflix claims as an Original in the US but we dub a 'false Original'. *The Fall* (2013-) was produced by British-based independent production companies Fables and Artist Studio (the latter owned by superindie Endemol Shine) for BBC Two and Irish channel RTE. It is a program in which Netflix has no ownership stake, but merely has first-run rights in the US. *The Fall*, therefore, does not originate with Netflix, and thus is a 'false Original'.

A similar distinction can be made in the UK, where *Orange is the New Black* (2013-), produced by the American company Lionsgate for Netflix, is labelled as a Netflix Original, but so is *Breaking Bad*, produced by Sony for US cable channel AMC, and *Scream* (2015-), produced by Dimension Television for US cable channel MTV. Looking at these examples it could be reasonable to suggest that 'Original' refers to having first-run UK rights to a Netflix import, yet not all first-run imported programming is bestowed with the moniker. For example, in 2016 Netflix acquired British first-run rights to two programs that originally aired on the CW network in the US, *iZombie* (2015-) and *Crazy Ex-Girlfriend* (2016-), yet neither was labeled a 'Netflix Original'. But in 2017 it acquired *Riverdale* (2017-), which also originally aired on the CW, which it labels as a 'Netflix Original' in the UK. It leads to the question, when is an import not an import? The answer would seem to be "when it's a 'Netflix Original'."

** Figure 3 here **

Over the past ten years, the speed and breadth with which global television crosses borders has been accelerated by legal web-delivered platforms⁹ (joining the often illegal peer-to-peer circulations that flow beneath the surface).¹⁰ In the space of a few years these SVODs—Netflix and Amazon Video internationally, Hulu in the US—have matured from providing valuable outlets for distribution companies' underutilized library content to competing in the

international television market for the highest profile content, inflating budgets and the cost of rights in land grabs for programming, particularly drama.¹¹ Importantly, these global distribution practices have impacted established practices of windowing¹² and threatened the parceling of regional rights that has long been central to the funding models of the European television industry, which operates without the deep pockets of the US studios that support the US industry.¹³ Imports have therefore played a profound role in helping SVODs expand across the Atlantic and beyond. Amazon's international expansion of its Prime Video platform has been built upon a self-produced Original, *The Grand Tour*, although arguably this program was built on the back of the globally successful brand of *Top Gear* built by the BBC. Netflix began pushing for exclusive international rights deals with limited hold-back windows as it expanded globally. FOX's *Gotham* (2014-) was the first such deal. In 2014, Hulu in the US promoted forty-one programs as Originals, with more than half of them international content, originating in countries such as the UK, Australia, Canada, France, Israel and others. During this period, self-produced content remained relatively limited across these SVODs, and as a result, rights to prized US network and cable shows were an essential part of drawing subscribers in new territories. As the SVODs are now ramping up their programming budgets for original content and acquisitions to billions of dollars, these exclusive rights remain part of their arsenal in the international quest for new subscribers.¹⁴

Television has always been an expensive business in which producers and distributors must sell and re-sell their programming repeatedly to recoup their investments, both internationally and in local syndication markets. In turn, reframing texts is a long-standing process, with programs 'acquired by broadcasters and then shaped, changed, assimilated and used by and within a schedule'.¹⁵ These texts have always been recognised as imports, yet

certain SVOD's appropriation of foreign content as 'Original' obscures the complex economics of the industry. By claiming others work as their own certain SVODs engage in a form of production plagiarism, denying producers who take on the bulk of the risk the visibility of their success in order to build the creative capital of their own brands. The increased circulation of international content is a boon for audiences, but when removed from their national contexts and subsumed into multinational SVOD brands, these programs are made less 'foreign'; they lose their distinctive national meaning and audiences lose global media literacy.

Case Study: *Happy Valley* and Transatlantic Translation

Digital distribution technologies have made it easier for international content to reach transatlantic audiences, but this does not necessarily mean that these original series are unadapted, rendered less foreign, or lack a process of translation. As we will explore in more detail below, there are a variety of occlusions supporting this system, some that continue well-recognized historical practices and some that signal new issues for media scholars to untangle. First there is a question of the hegemony of American media companies, which have long enjoyed primacy in international sales markets. SVOD services like Netflix, Amazon, and Hulu appropriate and de-contextualize successful foreign content as an extension of their emerging producing prowess by claiming them as 'Original' rather than exclusive acquisitions. This practice of 'false Originals' bolsters the critical reputation and subscription value of emerging SVODs, obscuring the fact that libraries of self- and co-produced originals at this point remain a small percentage of their content. Such 'false Originals' enable these companies to boost their libraries at relatively low-cost rates, developing an image of incredible productivity that supports a discourse of 'disruption,' a celebratory term that suggests new entrants to the media industry

have the potential to rewrite the rules and upend traditional operations.¹⁶ While standing on the shoulders of a range of traditional media producers and distributors, SVOD services nevertheless earn accolades for their transformative potential and impressive growth. Previous acquisition deals have showcased international origins as prestige markers, as with Sky Atlantic's promotion of itself as the exclusive home for all HBO content in the UK. The British and European satellite broadcaster Sky debuted this new pay channel 2011 in order to draw high-earning demographics to its imported US prestige drama, showcasing the channel as the British 'home of HBO'.¹⁷ But an SVOD's 'false Original' appellation, rather than the more accurate 'exclusive', confers the prestige on itself by blurring such origination.

Take as an example *Happy Valley*, which was produced for the BBC by British independent production company Red, airing on BBC1 in the UK, but claimed by Netflix as an 'Original' in the US and other markets (Insert illustration 1 here). In some ways, *Happy Valley* is an unlikely candidate for US import from the UK. Made up of six episodes per season, the series is set in a town in West Yorkshire and features heavy regional accents. It is distinctively a British production in its genre of the detective serial, in which the BBC and ITV have developed a reputation for specialization, from *Prime Suspect* (ITV, 1991-2006) to *Messiah* (BBC1, 2001-4) and *Luther* (2010-).¹⁸ *Happy Valley* producer Nicola Shindler commented that the program 'felt quite local and specific' to its UK context, confirming that the program was not made with international distribution in mind.¹⁹ But *Happy Valley* also fits comfortably within an American concept of 'prestige television,' focused on a strong anti-hero(ine) operating within the dark and emotionally complex world featured in the program.²⁰ (Notably its key prestige marker in the UK – creator and sole writer Sally Wrightwright – has little international value). Netflix US had previously licensed and then taken over funding the US adaptation of the Danish drama *The*

Killing (2011-2014) from AMC, but lacked a self-produced prestige female-led crime drama of its own. Thus *Happy Valley* filled this gap and asserted a prestige claim that reinforced the value of a Netflix subscription package. *Happy Valley* can not only target a niche audience interested in British series but also may appeal to fans of US prestige ‘difficult men’ series like *The Shield* (FX, 2002-8) or *Breaking Bad*.

A trailer promoting the arrival of *Happy Valley* season 2 on Netflix in 2014 constructs a national collage in its complex promotional messaging.²¹ The trailer serves as a visual metaphor for the process of usurpation some international programs experience as they cross the Atlantic to reach a new audience. First, the trailer is framed by a stark white screen that features the “Netflix” ident as a wipe effect shifts to the program content. A voiceover at the conclusion of the trailer speaks with a Northern British accent (consistent with the regional accents featured throughout the program) while a wipe transition returns to the white screen, now featuring the words, ‘Only on Netflix’. As the program content plays, the Netflix brand appears on every single frame of the trailer in the lower right corner—their assertion of ownership is thorough and constant. And yet, Netflix did not make this trailer. In fact, its core is the exact same trailer as produced by the BBC to advertise the series in the UK.²² The new brand is slapped onto existing material like a vinyl sticker with slightly peeling edges. The difference between the two trailers is uncanny, for they seem familiar and strange all at once. Confusions abound for audiences, as we see with inquiries from American fans of *Happy Valley* who wonder if Netflix will be renewing the series, missing the fact that it is the BBC who will make renewal decisions.²³ While audiences—outside of the knowledgeable circles of fandom, and their campaigns against cancellation—have always been somewhat removed from such industrial decisions, foreign audiences who enjoy an international series are doubly removed from that process.

Trailers for SVOD programming function as spreadable media but are also embedded on the platforms, adding to the logos, genre tags and other program-specific promotions that surround the program's imagery on the interface. These paratextual elements help organize content for SVOD services that carry deep and diverse libraries, shaping the identity and meaning of these programs by establishing the 'frames and filters through which we look at, listen to, and interpret' the program.²⁴ The ways in which these services have deployed imports on their interactive home pages demonstrates the continual importance and influence of contextual framing. Paul Rixon highlights how imported US programs have long been reshaped and framed as they are assimilated into British linear television flows.²⁵ SVODs lack the contextual frame of a linear channel, with its time-bound schedule and the inserted paratextual interstitial elements by which an import is actively assimilated into a national television broadcast.²⁶ Yet in deploying an 'Original' or 'Exclusive' marker, an SVOD also provides metatextual frames, in service of the construction its own brand and its appeal to potential subscribers. The practice of affixing a marker of originality to an imported text through the surrounding paratextual frame—the 'Netflix Original' logo layered over a program's menu image, or the categorization under which it is generically grouped on the digital interface—plays a fundamentally more disruptive role than the shift of an ad break or the genre adjustment suggested by a newly-commissioned trailer.²⁷ This creates what John Ellis terms a 'narrative image', one that removes a text's national origin and the commissioning broadcaster's identity.²⁸ Such 'false Originals' bolstered Netflix's critical reputation and value to subscribers at a time when its roster of self- and co-produced originals was still being built.

The paratextual frames used to categorize programming within SVODs create slippages and blurrings. An imported international program may not be described as international.²⁹ It may

not bear the brand of the network that first aired it, nor the company that produced it. If it won awards granted by an international organization, the SVOD service is unlikely to hawk that honor, instead privileging honors received in the nation of the streaming company. In short, international content can appear as if it were a domestic production—in its production history, its content, and its appeal. This can lead to a streaming site that played no role in the development or production of a series claiming it as an ‘Original’ program. This discursive application of ‘Original’—claiming ownership over a series created entirely by a different channel in a different nation—homogenizes international productions under the ever-encroaching spread of Netflix, with Amazon in hot pursuit. The diversity of global content depends upon the continued success of a broad range of producers, and ‘false Originals’ potentially threaten their viability, as SVOD services subsume distinctive national broadcasters and their brands into production funnels that feed a monopolistic, global ‘Netflix nation’.

Marketplace Dynamics: Discourses of ‘Disruption’

Our analysis brings a consideration of content flows and assimilation to scholarship that has largely been built around analysis of SVOD services’ ‘self-produced Original’ programming and surrounding promotional discourse.³⁰ We agree with Chuck Tryon’s warning that care must be taken around the ‘disruptor’ discourse—of both viewing and distribution practices, as well as television itself—that circulates in both journalistic and scholarly work. There is arguably more continuity than change at play with the ways SVOD services are interacting with traditional and emerging producers and distributors.³¹ Our own analysis adds a consideration of SVOD services’ promotion of imports to the pre-existing work on linear channels’ assimilation of US/UK imports.³² This highlights SVODs’ continuity within—rather than entire disruption of—

international distribution flows (both unscripted and scripted formats and completed programming) and their contribution to existing transatlantic flows of programming and influence.³³

The tension between discourses of disruption and continuity emerge in the financial arrangements underpinning the promotional strategies that catalyzed our study. Historically, US television networks and British channels have participated (to varying degrees) in the development, commissioning, financing and production of programs that they broadcast. Referring to programming as ‘Original,’ therefore, carries particular weight in the world of television, because it suggests that (1) a network or channel has the financial resources and potential audience to invest in the production of new content, and (2) they can potentially profit from the re-sale of that content in secondary markets, domestic and international. As emerging SVOD services sought to increase subscribers and industry esteem, they asserted their brands’ value through the presentation of ‘Original’ content alongside licensed ‘exclusives’.

A channel’s maturation from a predominance of licensed content toward the production of original drama is an established journey in both the US and UK. For example, Home Box Office was born as a subscription, satellite-delivered pay-TV channel and built its brand in the 1970s and 80s on acquired film alongside live comedy and sports specials. Its first foray into original content came with made-for-TV movies, but it was during the 1990s that HBO began to assert itself as a new kind of television network with original series like *Sex and the City* (1998-2004) and *The Sopranos* (1999-2007).³⁴ It took decades, then, for HBO to become a powerhouse producer of its own original series, having built its reputation with recycled film content. In turn, British digital channel E4 relied on reality TV and US imports to build its target youth audience, until it was sufficiently established and budgeted by its parent corporation Channel 4 to produce

original British youth comedy and drama in *Skins* (2007-2013), *The Inbetweeners* (2008-2010) and *Misfits* (2009-13).³⁵ The production of original content generally suggests the maturation of a new channel or a reworking of a channel brand, serving as a declaration of arrival, and a deepening of brand identity.

For streaming sites, the historical process of moving from licensed to original content has progressed on an intensified timeline. Building their brands on libraries of licensed content, SVOD services have helped perpetuate what industry press termed a veritable ‘arms race’ for television drama on the international market, conditions that perpetuate what in 2015 FX executive John Landgraf termed ‘peak TV’, a calculation that content production in the US had increased to its highest historical level ever.³⁶ This phenomenon—the idea that new television outlets meant an increase in television *production*, rather than a mere increase in content *circulation* internationally—was driven by both original and imported high-profile US and UK television drama and their value to home and international markets.

In a crowded market, SVODs have sought to differentiate themselves with exclusive ‘tent pole’ content, both self-produced and imported, aggressively pursuing first-run international licensing deals for high-profile US programming. Licenses to stream this acquired content are temporary and region-specific, thus the best way for SVODs to stabilize content availability and drive aggressive international expansion is to produce original content in which the streaming company has an ownership stake and licensing authority. Yet whilst the growth of these SVOD services is signaled by their increased investment in and touting of ‘original’ content, the extent to which the SVOD service deserves any creative credit as producer for some of this content is at times more of a promotional illusion, building a prestige brand on false foundations.

Unstable framing practices

The second half of the 2010s have seen SVOD services solidify their brands through increasing investment in self-produced content, with Hulu becoming the first streaming service to win the Emmy for outstanding drama series with *The Handmaids Tale* in 2017. Yet its journey to prestige purveyor of original programming saw it engage in assertions of ownership similar to Netflix's own claims. Hulu's framing of E4's British youth telefantasy *Misfits* illustrates practices of fuzzy, random or downright perplexing framing during the first half of the 2010s. Produced by Clerkenwell Films for E4 (a digital channel owned by public service broadcaster Channel 4) and distributed by BBC Worldwide, the series began streaming in the U.S. on Hulu two years after its UK debut in 2009. This occurred at a time when Hulu was competing with US cable networks to license British programming, with the SVOD service eagerly investing in British imports as a way to differentiate itself in the US industry. One British distribution executive noted the platform was willing to sign exclusive deals and pay licensing fees that were far higher than usual.³⁷ At the time of *Misfits*' premiere on Hulu during the summer of 2011, the service promoted it as a first-run exclusive within the U.S.³⁸ Both its creator and Channel 4 executives had sought to accentuate the program's Britishness when commissioning the program in the UK, in part to distinguish it from *Heroes* (NBC, 2006-10) and the raft of imported US teen drama TV airing on E4.³⁹ Yet national identity was absent when Hulu framed its acquisition, with the SVOD's Senior Vice President of Content Acquisition Andy Forssell citing as their motivation the program's 'rabid fan base online', rather than its British audience or even its BAFTA award. This online audience, in Forssell's phrasing, lacks any national identity, suggesting the program's appeal overcomes any potential barriers resulting from national origin, including accents and the particularities of British youth television. Thus a show that was

marketed as a distinctively British series at the time of its development in the UK became the product of an American company, sold to its American audience absent any markers of its national past.

Hulu licensed *Misfits* due to its fit with the Hulu brand, owing to its similarities to American programs carried by the SVOD, including *Heroes* and *Flash Forward* (ABC, 2009-10), both produced by subdivisions of conglomerate owners of Hulu.⁴⁰ Grouping *Misfits* as part of a broader set of American programs, Forssell is playing the role of ‘mediator’ that Steemers and Rixon describe, playing up the way that an imported program continues or extends pre-existing practices, rather than disrupts them.⁴¹ Like the British executives Rixon interviews, Forssell is framing an import through local cultural discourse in order to assimilate and ‘nationalize’ it within American programming. Thoroughly Americanized, *Misfits* had become Hulu’s most viewed program.⁴² This is where the story of *Misfits*’ national identity crisis becomes even more complicated.

Two years into its run, Hulu began labeling (and coding) *Misfits* as an ‘Original series’ (insert Illustration 2 here), one of many British series then claimed by Hulu as an ‘Original’.⁴³ This marker is perplexing not only because it demonstrates a change in how Hulu promoted the series to its viewers but also because the term implies an ownership stake in the series. Operating as an international licensee, Hulu nevertheless claimed *Misfits* as its own. Discussing the Hulu licensing deal, Vice President of Business Development and Digital Media, Gary Woolf, commented, ‘there’s value in those rights, and we intend to capture the value’.⁴⁴ Hulu also extracted value in terms of brand identity by entwining distinctive British programming inextricably with its own emerging brand in order to distinguish itself from competitors. Moreover, the financial costs of these types of international licensing deals remained ‘pretty

modest' according to *Variety*, allowing a relatively new distribution enterprise to build its library of content without the heavy expenditures of production and development.⁴⁵ There is something odd here in a program's brand value coming from its Britishness—as is seen in Hulu's use of British content as a marker of distinction—yet this distinction not being asserted in its Hulu branding, which instead asserts ownership and origination through the 'Original' tag. Time and again we see this peculiar intertwining of distinction and prestige brought by an import, with an attempted erasure of its status as import through its categorization as a 'false Original'. Here SVOD services piggyback prestige at a cut-price rate, although as the 'arms race' for content increases, some of this acquired prestige can come at a much higher price-tag.

Programs that travel internationally can undergo a process of translation and assimilation that potentially distances local audiences from the series' original contexts and meanings, as their mediators construct a paratextual frame that 'blend[s] them to become part of the output of that channel'.⁴⁶ Some imports have their origins foregrounded, such as UK cable channel Sky Atlantic's marketing of itself as the 'home of HBO'. Chris Becker has illustrated how US cable channel BBC America built its brand identity of 'hip quality' around clearly-labeled imports from the BBC and Channel 4.⁴⁷ On Hulu, however, *Misfits* appeared as a program with no past. The SVOD's distinctiveness in comic programming in the early 2010s was built on a British foundation, yet this British foundation, the acclaim and prestige of its originating content, was erased in its branding.

Another case in point is *Breaking Bad*, which arguably helped Netflix break into the UK market where the combination DVD subscription and streaming service LoveFilm (acquired by Amazon in 2011, with the streaming service ultimately assimilated into Amazon Prime Video) had an established market hold. The program's first two seasons saw faltering success on linear

television (on the pay-cable channel FOX in 2009 and on free-to-air digital channel 5USA the following year) and its sales rights languished by 2011. Netflix acquired first-run rights in 2012 and claimed it as a “Netflix Original”. Its fourth season ‘broke viewing records ... across the board’ at Netflix, with creator Vince Gilligan suggesting that the SVOD had been instrumental in the show’s ascension to the status of phenomenon in the UK.⁴⁸ A day-and-date release of each episode of part 2 of season 5 in 2013, with episodes uploaded the day after the US broadcast, linked Netflix closely with the patterns of linear television distribution, and made it indistinguishable from AMC as the program’s author within this UK televisual frame. Like Hulu and *Misfits*, here we can see how such ‘false Originals’ contributed to the Netflix’s bid to present itself as content producer with a significant cultural footprint rather than merely a library of imported and syndicated content.

Conclusion

In late 2016, Netflix laid out its plan to move towards 50% of its content being made up of ‘original productions’, a statement that asserted its cultural and industrial validity through the value of original content. *Variety* noted that Netflix CFO David Wells framed this designation of ‘Original’ as made up of ‘a mix of content owned and produced by Netflix, as well as co-productions and acquisitions’.⁴⁹ Wells’ categorization of acquisitions as ‘Originals’ rather than the licensed content they actually were went unchallenged in the trade press. This suggests that Netflix had normalized its appropriation of selected imported content as branded ‘Originals’, and was using this to bolster its claims of cultural validity. With this continual pursuit, Netflix seemingly sought to change the definition of ‘Original’—was it the new ‘Exclusive’? Yet not all

the SVOD's exclusive first-run imports were given the 'Netflix Original' marker, so no clear definition can be made.

'False Originals' certainly assist Netflix's building of its brand as not just a library, but a streaming channel with buzzworthy content and awards potential, at a cost lower than original production. But as unacknowledged acquisitions, the programs lose their national specificity and their socio-cultural context, subsumed to the international brand of Netflix. SVODs do not service any local markets (as networks have done in the U.S. through their owned-and-operated stations) and they fall under limited regulatory control. Will indigenous channels ultimately serve as unacknowledged content farms for monolithic international SVOD whose power and spread is only limited by the depth of their pockets and the penetration of broadband? Or will rights-holders push back against these practices as part of their sale of licensing rights?

Originating producers have begun to assert their ownership in this landscape of cloudy attribution and appropriated authorship. Beginning in 2015, licensing rights deals have begun to include network and studio branding as markers layered onto the library image. This is seen in US streaming second-run rights deals in which producing networks have negotiated branding rights. For example, ABC's logo appears on *How to Get Away With Murder* (2014-) streaming through Netflix, and Fox's logo appears on its content streaming through Hulu.⁵⁰ On the import front, Amazon UK features the AMC logo on *Halt and Catch Fire*'s (2014-) library image, yet notably the USA and Starz logos are absent from season 2 of its highest-profile acquisitions, *Mr. Robot* (2015-) and *Outlander* (2014-), with 'Amazon Exclusive' taking pride of place. *Call the Midwife* (2012-) was originally produced by British indie Neal Street Productions for BBC1, and aired in the US on PBS. Netflix acquired second-window rights from the BBC's commercial

arm, BBC Worldwide, which handled the international rights sales, thus the program appears on Netflix with a BBC logo on its menu image, as do other BBC Worldwide-sold programs.

Such tags can also offer up interesting clashes of ownership. For instance, on US Amazon, *Poldark* (2015-), which is produced by British indie Mammoth Pictures for BBC1 and airs on PBS in the US, appears with a PBS banner affixed. However, on Amazon UK, it is affixed with an ITV logo, as Mammoth Pictures is owned by ITV studios (which is the production arm of the British channel ITV). Netflix Chief Content Officer Ted Sarandos ostensibly dismissed the need for such claims, on the basis that ‘in the pay-television world...the channel brand equity means a lot, and in our world, it really doesn’t’.⁵¹ Yet blurring, or disguising the origins of its library content through paratextual framing certainly benefits the Netflix brand, one that is built just as much on acquisitions as it is on ‘Originals’. If origin and brand equity really did not matter, then Netflix ‘Originals’, of all shades, would not exist.

In a potential shift away from the ‘false Original’ stage, SVOD services – like many US cable channels - have begun increasing their involvement in co-productions.⁵² This allows involvement and ownership at the ground floor, rather than potentially costly fights for global licensing rights for finished products. Co-production allows smaller or new channels to fight for space within ‘peak tv’ by obtaining potential prestige drama at a cut-price rate with no need to invest in development costs. Co-production is facilitated by UK and European broadcasters for whom co-production is an increasing necessity in the drama ‘arms race,’ both to offset the increasing costs of drama production needed to compete in the global marketplace and to avoid losing creative personnel to the deep pockets and tales of creative freedom that surround SVOD services. The latter risk was recently exemplified by the case of *The Crown*, which was pitched to both the BBC and ITV but snatched up by Netflix.

Sky and French broadcaster Canal+ partnered on *The Tunnel* (2013-) and *The Smoke* (2014-), while Channel 4 and Kudos worked with US cable channel AMC on *Humans* (2015-). AMC recently took an ownership stake in BBC Worldwide, a move that built on its strategic forays into British content co-production, servicing its prestige brand. Amazon, Hulu and Netflix have also moved into co-production deals. Amazon co-produced *Fleabag* (BBC Three, 2016) with the BBC, to much critical acclaim on both sides of the Atlantic. This strongly-authored comedy with an acerbic edge and a sharp female protagonist fit handily alongside *Transparent*, Amazon's award-winning, self-produced Original. Hulu paired with the BBC on the farcical accidental-action comedy *The Wrong Mans* (2013-14), continuing the platform's success with British imports. In the first half of 2016 alone, Netflix came onboard with a string of British programming in development, including BBC1's new adaptation of *Watership Down* (produced with British indie 42) and E4's first ever co-productions, teen dramas *Kiss Me First* (from indie Balloon and Kindle Entertainment) and *Crazy Face* (E4, 2017) (produced by Urban Myth Films).

These deals gave the British channels ownership on home soil, with the SVOD partner taking over in US and international distribution. Such co-productions blur the 'sharp distinctions between home-grown and imported product, and between the local and the global'.⁵³ In turn, the national distinction of home-grown content is potentially at stake. The rise of co-production drives the market towards glossy international thrillers such as *The Night Manager* (BBC1/AMC, 2016), with their £2 million plus per episode price tags. What does the increasing necessity of co-production, with SVODs and beyond, mean for the development of smaller, intimate, nationally-specific drama? How is the state of the nation articulated with one eye across

the sea? As discussed in more detail by Michele Hilmes in this volume, programming driven by a national mission has struggled for decades to fulfill that mission, and this challenge has only been heightened by digital streaming and the ‘tv arms race’ it has precipitated.

Our study has focused on the shifting lexicon guiding SVOD services’ paratextual framing and promotion of selected international content in the national contexts of the US and the UK, but its broader themes address larger patterns and debates within transnational television content distribution. While American audiences are accessing more international content than ever before, that content often flaunts only the imprimatur of the brand of the US-based SVOD service, effectively lessening its foreignness and appropriating its distinction. ‘False Originals’ help Netflix bolster its reputation as a producer of original content, which helps solidify its status as a creative producer rather than a library of programs produced by others. These falsely-attributed programs advance a consistent narrative that SVOD services are global, innovative, and *productive*, and that their programs transcend national identities and cultures. Meanwhile those same US-based SVOD services are inflating costs within the international marketplace for licensing rights, leading the financial benefits drawn from US television to remain in US hands, rather than serving as tent-poles that help draw audiences and advertising money to local channels and support their indigenous programming.

The slipperiness of the term “Original” conveys a vernacular in development, a labeling of industrial practices for which the rules have not yet been established. The contradictions behind these labels reveal contestations about ownership, distribution, corporate branding, national identity, technological shifts, and audience reception. Digital distribution technologies may have made it easier for international content to reach foreign audiences but this does not

necessarily mean that they fit seamlessly into their new environment.⁵⁴ The programs may travel, but they are doing so without a passport.

¹ While SVOD services are distinguished by their distribution technology (streaming), the term also references their business model, subscription. We focus upon Netflix, Hulu, and Amazon Prime Instant Video, but other SVOD services, some connected to linear channels, include CBS All Access, BBC iPlayer, YouTube Red, Playstation Vue, HBO Now, Now TV, and many others.

² In 2011 the BBC deployed 'Original' as a marker of its production of and investment in British drama, in response to the high-profile launch of Sky Atlantic by Sky plc. This satellite channel was built around prestige US imports, most notably an exclusive deal for HBO content in the UK, which it foregrounded in its marketing. The BBC's promotional campaign foregrounded BBC2's 'Original British Drama', a brand that expanded to cover all the broadcaster's drama content. This asserted originality and national specificity as a marker of the public service broadcaster's value. Tara Conlan, "BBC2: Putting the British in Drama", *The Guardian*, 13 April 2011, <https://www.theguardian.com/media/organgrinder/2011/apr/13/bbc2-drama>.

³ Jeannette Steemers, "Selling Television: Addressing Transformations in the International Distribution of Television Content," *Media Industries* 1.1 (2014).
<http://www.mediaindustriesjournal.org/index.php/mij/article/view/16>. Michael L Wayne, "

⁴ Jeanette Steemers, *Selling television: British television in the global marketplace*. London: BFI, (2004); "International Sales of U.K. Television Content Change and Continuity in 'the space in between' Production and Consumption," *Television & New Media* Published online before print 21 June 2016, doi: 10.1177/1527476416653481; Michael L Wayne 'Netflix, Amazon, and branded television content in subscription video on-demand portals', *Media, Culture & Society*, published online before print 13 October 2017, <https://doi.org/10.1177/0163443717736118>

⁵ Michele Hilmes, "Transnational TV: What Do We Mean by 'Coproduction' Anymore?" *Media Industries* 1.2 (2014).

⁶ Alisa Perren, "Rethinking Distribution for the Future of Media Industry Studies," *Cinema Journal* 52.3 (2013): 166.

⁷ Jinna Tay and Graeme Turner, "Not the Apocalypse: Television Futures in the Digital Age," *International Journal of Digital Television* 1.1 (2010).

⁸ John Plunkett "Netflix plans £100m epic on the Queen" *The Guardian*, 23 May 2016, <https://www.theguardian.com/media/2014/may/23/netflix-epic-the-queen-crown-peter-morgan>.

⁹ By January 2016 Netflix had expanded into 200 territories, while Amazon, not to be overlooked, used *The Grand Tour* to expand its video service into 200 territories by December 2016. Peter White, 'Netflix expands into 130 countries' *Broadcast*, 7 January 2016, <http://www.broadcastnow.co.uk/news/netflix-expands-into-130-countries/5098600.article>; Jane Martinson, "Amazon to stream The Grand Tour in 200 countries and territories" 16 November 2016, <https://www.theguardian.com/tv-and-radio/2016/nov/16/amazon-stream-the-grand-tour-200-countries-december>.

¹⁰ For more on piracy studies, see also Patrick Vonderau, "Beyond Piracy: Understanding Digital Markets," in *Connected Viewing: Selling, Streaming, and Sharing Media in the Digital Era*, eds. Jennifer Holt and Kevin Sanson (New York: Routledge, 2014); Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (London: Palgrave Macmillan, 2012).

¹¹ Kate Bulkey, "The price is right for VoD," *Broadcast*, 15 March, 2012.
<http://m.broadcastnow.co.uk/5039298.article>.

¹² Windowing refers to designated periods when an acquired program can air that are established contractually in a deal for its rights, such as ‘first-run’ or ‘second-run’ rights in particular country, or holding back a program until the completion of the broadcast of a full season in the originating country.

¹³ Steemers, 2016: 4.

¹⁴ As part of a *Variety* report that tracked the impact of expanding budgets in the era of ‘peak TV’ Mo Ryan identified that in 2017 ‘Apple already has a TV budget of at least \$1 billion. Disney, Time Warner, NBC Universal and CBS spent \$36 billion on TV last year — a third more than just seven years ago. Hulu will part with \$2.5 billion this year, which tops HBO’s annual \$2 billion budget. Netflix is upping its ante to \$7 billion in 2018. Amazon spent \$4.5 billion this year’ “Taking the Wrong Lessons from the Success of ‘Game of Thrones’” *Variety*, 26 September 2017 <http://variety.com/2017/tv/opinion/game-of-thrones-success-hbo-money-wrong-lessons-1202573525/>

¹⁵ Paul Rixon. *American Television on British screens: A Story of Cultural Interaction* (London: Palgrave MacMillan, 2006), 184-5.

¹⁶ For just a small sample of these types of awe-filled articles, see also Josef Adalian, “How Amazon Became a Major Player in Half-Hour Television,” *Vulture*, 6 October 2016, <http://www.vulture.com/2016/10/amazon-became-a-major-player-in-half-hour-tv.html>; Tara Conlan, “Netflix’s breaking good: from DVD mail-order firm to UK’s top streaming service,” *The Guardian*, 28 March 2016, <https://www.theguardian.com/business/2016/mar/28/netflix-hits-5m-subscribers-become-uk-top-streaming-service>; Tim Wu, “Netflix’s War on Mass Culture,” *New Republic*, 4 December 2013, <https://newrepublic.com/article/115687/netflixs-war-mass-culture>.

¹⁷ John Plunkett, ‘Sky Atlantic to launch next month with Scorsese drama’ *The Guardian*, 5 January 2011, <https://www.theguardian.com/media/2011/jan/05/sky-atlantic-launch-boardwalk-empire>.

¹⁸ Arguably Nordic Noir’s popularization of Danish and Swedish serialized detective stories in *The Killing* (Forbrydelsen) (DR1, 2007-12) and *The Bridge* (Bron/Broen) (SVT1/DR1, 2011-) developed from these British traditions.

¹⁹ Alex Ritman, “‘Happy Valley’ Producer: TV Opening up to ‘Less Posh British Drama’,” *Hollywood Reporter*, 16 March 2016, <http://www.hollywoodreporter.com/news/happy-valley-producer-posh-british-876104>.

²⁰ Brett Martin, *Difficult Men: Behind the Scenes of a Creative Revolution: From The Sopranos and The Wire to Mad Men and Breaking Bad* (New York: Penguin Press, 2013).

²¹ “Happy Valley Season 2 Trailer Netflix,” accessible on *YouTube*, 10 March 2016, posted by Netflix US & Canada, <https://www.youtube.com/watch?v=p-XeH76o4xQ>.

²² “Happy Valley Season 2 Trailer BBC One,” accessible on *YouTube*, 1 February 2016, posted by the BBC, https://www.youtube.com/watch?v=QrFBNcLuSgY&list=FLZ1_qi7AEsxPlvJwibOEfzQ&index=1.

²³ Kasey Moore, “Doubts Surround Season 3 of Netflix Original Happy Valley,” *What’s on Netflix*, 15 April 2016, <http://www.whats-on-netflix.com/news/doubts-surround-season-3-netflix-original-happy-valley/>.

²⁴ Jonathan Gray, *Show Sold Separately: Promos, Spoilers, and Other Media Paratexts* (New York: New York University Press, 2010), 3.

²⁵ Paul Rixon. *American Television on British screens: A Story of Cultural Interaction* (London: Palgrave MacMillan, 2006), 184-5.

²⁶ Imports can be edited for content due to a move to an earlier timeslot or to accommodate differently timed commercial breaks, while continuity announcements and presenters, bumpers and promotional trailers frame the audience’s reading of a program. Grainge, Paul. ‘Lost Logos: Channel 4 and the Branding of American Event Television.’ in Roberta Pearson (ed) *Reading Lost: Perspectives on a Hit Television Show*, ed. Roberta Pearson (London: I.B. Tauris, 2009); Faye Woods. ‘Teen TV meets T4: assimilating The OC into British youth television’, *Critical Studies in Television: The International Journal of Television Studies* 8.1 (2013).

²⁷ Grainge, 2009:102-105.

²⁸ John Ellis, *Visible Fictions: Cinema; Television; Video* (London: Routledge, 1982), 24-5.

²⁹ In contrast to the nation-erasing tendencies of Netflix, the SVOD of British broadcaster Channel 4, All4, groups and heavily markets its foreign-language imports under the ‘Walter Presents’ brand.

³⁰ See also Cory Barker, “ ‘Great Shows, Thanks to You:’ From Participatory Culture to ‘Quality TV’ in Amazon’s Pilot Season,” *Television & New Media*, Published online before print, doi:10.1177/1527476416667817 (2016); Amanda Lotz, *Portals: A Treatise on Internet-Distributed Television*, (Michigan, Michigan Publishing, 2017); Mareike Jenner, “Is this TVIV: On Netflix, TVIII, and Binge-Watching,” *New Media & Society* 18.2 (2016); Nick Marx, “Industry Lore and Algorithmic Programming on Netflix,” *Flow*, 21.6, 22 April 2015 <http://www.flowjournal.org/2015/04/industry-lore-and-algorithmic-programming-on-netflix/>; and the special issue

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³¹ Chuck Tryon, "TV Got Better: Netflix's Original Programming Strategies and Binge Viewing," *Media Industries* 2.2 (2015). <http://www.mediaindustriesjournal.org/index.php/mij/article/view/126>.

³² Rixon, 2006; Simone Knox, "Masterpiece Theatre and British Drama Imports on US Television: Discourses of Tension," *Critical Studies in Television* 7.1 (2012); Christine Becker, "From High Culture to Hip Culture: Transforming the BBC into BBC America," in *Anglo-American Media Interactions, 1850–2000*, ed. Joel H. Wiener and Mark Hampton, (Basingstoke: Palgrave Macmillan, 2007).

³³ Michelle Hilmes *Network nations: A transnational history of British and American broadcasting*. Routledge, 2012; Chalaby, Jean K., "Drama without Drama The Late Rise of Scripted TV Formats," *Television & New Media* 17.1, (2016); Faye Woods, *British Youth Television: Transnational Teens, Industry, Genre* (London: Palgrave Macmillan, 2016), 107-142; Steemers, 2004.

³⁴ Avi Santo, "Para-television and Discourses of Distinction: The Culture of Production at HBO," in *It's Not TV: Watching HBO in the Post-Television Era*, eds. Marc Leverette, Brian L. Ott, and Cara Louise Buckley (New York: Routledge, 2008), 24-25.

³⁵ Woods, 2016, 39-41.

³⁶ Chris Curtis, "The Scripted Arms Race Escalates," *Broadcast*, 21 April 2016.

<http://www.broadcastnow.co.uk/opinion/the-scripted-arms-race-escalates/5102849.article>; Mo Ryan and Cynthia Littleton "TV Series Budgets Hit the Breaking Point as Costs Skyrocket in Peak TV Era", *Variety*, 26 September 2017 <http://variety.com/2017/tv/news/tv-series-budgets-costs-rising-peak-tv-1202570158/>; Cynthia Littleton, "FX Networks Chief John Landgraf: 'There Is Simply Too Much Television'," *Variety*, 7 August 2015, <http://variety.com/2015/tv/news/tca-fx-networks-john-landgraf-wall-street-1201559191>.

³⁷ Kate Bulkey, 'The price is right for VoD.'

³⁸ "Brit Skeins Set U.S. Bows on Hulu," *Daily Variety*, 13 June 2011, p. 6.

³⁹ Woods, 2016, 72.

⁴⁰ Paul Bond, "Hulu to Roll out Episodes of Three Hit U.K. Series," *Hollywood Reporter*, 13 June 2011, <http://www.hollywoodreporter.com/news/hulu-roll-episodes-three-hit-197041>.

⁴¹ Rixon, 2006; Steemers, 2004, 17-20

⁴² Leo Barraclough, "Time-shifts Lift Drama Karma," *Variety*, 17 October 2011, TV p. 1.

⁴³ Examples of other British series promoted by Hulu as original series at this time included structured reality program *The Only Way is Essex* (ITV2, 2010-) and BBC sitcoms *Pramface* (BBC Three 2012-2014), *The Thick of It* (BBC Four/BBC Two, 2005-2012), and *Rev* (BBC Two, 2010-2014). Bulkey, 'The Price is Right for VoD'

⁴⁴ Barraclough, "Time-shifts."

⁴⁵ Cynthia Littleton, "Hulu Draws New Lines with 'Battleground,'" *Daily Variety*, 24 January 2012, TV p. 2.

⁴⁶ Rixon, 2006, 105.

⁴⁷ Becker, 2007, 284.

⁴⁸ Jeffrey Morgan, "Breaking Bad fifth season gets Netflix premiere date," *Digital Spy*, 16 October 2012, <http://www.digitalspy.com/tv/breaking-bad/news/a430335/breaking-bad-fifth-season-gets-netflix-uk-premiere-date/>; Todd Spangler, "Netflix Lands First-Run Rights for 'Breaking Bad' Final Season in U.K., Ireland," *Variety*, 26 July 2013, <http://variety.com/2013/digital/news/netflix-lands-first-run-rights-for-breaking-bad-final-season-in-u-k-ireland-1200568547/>.

⁴⁹ Todd Spangler, "Netflix Targeting 50% of Content to Be Original Programming, CFO Says," *Variety*, 20 September 2016, <http://variety.com/2016/digital/news/netflix-50-percent-content-original-programming-cfo-1201865902>.

⁵⁰ Joe Flint, "TV Programmers Push Netflix for Promotions, Branding," *Wall Street Journal*, 13 November 2015, <http://www.wsj.com/articles/tv-programmers-push-netflix-for-promotions-branding-1447433281>; Keach Hagey and Shalini Ramachandran, "Hulu Steps Up Its Fight Against Netflix," *Wall Street Journal*, 16 June 2015, <http://www.wsj.com/articles/hulu-steps-up-its-fight-against-netflix-1434497311>.

⁵¹ Kagey and Ramachandran, 2015.

⁵² Hilmes, 2014.

⁵³ Paul Torre, "Reversal of Fortune? Hollywood Faces New Competition in Global Media Trade," in *Global Television Formats*, eds. Tasha Oren and Sharon Shahaf (London: Routledge, 2012), 178-200.

⁵⁴ UK Netflix currently claims as Netflix Originals programs that originate on channels in the US (*Designated Survivor* (ABC, 2016-)), France (*A Very Secret Service* (Arte, 2015-)) and Argentina (*El Marginal* (Public TV, 2016)) while US Netflix claims as 'Original' series from broadcasters in the UK (many, from *Chewing Gum* to

Marcella, (ITV 2016), Israel (*Fauda*, Yes 2015), Colombia (*La Niña*, Caracol 2015), France (*No Second Chance*, TF1 2016), and Italy (*Call Me Francis*, Mediaset 2015)